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STATE FOR INL/AAE
JUSTICE FOR OIA, AFMLS, AND NDDS
TREASURY FOR FINCEN
DEA FOR OILS AND OFFICE OF DIVERSION CONTROL

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SUBJECT: NIGERIA: 2003-2004 INTERNATIONAL NARCOTICS CONTROL
STRATEGY REPORT (INCSR) PART I

I. Summary

Nigeria remains a hub of narcotics trafficking and money laundering activity. Nigerian criminal organizations dominate the African drug trade and transport narcotics to markets in the United States, Europe, Asia, and other parts of Africa. Some of these organizations are engaged in advance-fee fraud, commonly referred to in Nigeria as "419 Fraud," and other forms of defrauding U.S. citizens and businesses as well as citizens and businesses of other countries. Severe unemployment after years of military rule and an associated economic decline contributed significantly to the continuation and expansion of drug trafficking, widespread corruption and other criminal acts in Nigeria. These factors, combined with Nigeria's central location along the major trafficking routes and access to global narcotics markets, provided both an incentive and mechanism for criminal groups to flourish. Nigeria is still ranked as one of the world's most corrupt countries. Heroin from Southeast and Southwest Asian, smuggled via Nigeria, accounts for a significant portion of the heroin reaching the United States. Nigerian criminal elements, operating in South America, trans-ship cocaine through Nigeria to Europe, Asia, and Africa. South Africa is a major destination for Nigerian-trafficked cocaine within Africa. Nigerian-grown marijuana is exported to neighboring West African countries and to Europe, but not in significant quantities to the United States. Aside from marijuana, Nigeria does not produce any of the drugs that its nationals traffic. No Nigerian law enforcement agency or Commission has received its current annual budget although they claim that their budgets have been approved. Although NDLEA enjoyed successes in interdiction at the international airports, their efforts were short of expectations due mainly to inadequate funding. All law enforcement agencies suffered slow downs in activities while the country concentrated on local, state and national elections in April 2003 in which more than seventy-five percent of the National Assembly turned over. The mission enjoys the highest level of cooperation with the new Attorney General who took office in July 2003. Cooperation between Nigeria's law enforcement agencies still leaves much to be desired. Although all law enforcement elements are represented at the international airports and at the ports, joint operations between them are virtually non-existent. A missing ingredient in the apprehension of a major trafficker or the interdiction of a major shipment of contraband is interagency cooperation. No single law enforcement agency in Nigeria has adequate resources to combat the increasingly sophisticated international criminal networks that operate in and through the country. Nigeria is a party to the 1988 UN Drug Convention.

II. Status of Country

Nigeria does not produce precursor chemicals or drugs that have a significant effect on the United States, but is fully entrenched as a major drug-transit country. In addition, Nigerian criminal elements operate global trafficking/criminal networks. Nigerian drug organizations are heavily involved in corollary criminal activities such as document fabrication, illegal immigration, and financial fraud. Their ties to criminals in the United States, Europe, South America, Asia, and South Africa are well documented. Nigerian poly-crime organizations exact significant financial and societal costs, especially among West African states with limited resources for countering these organizations. The NDLEA is the law enforcement agency with sole responsibility for combating narcotics trafficking and drug abuse. Established in 1989, NDLEA works alongside Nigerian Customs, the State Security Service, the National Agency for Food and Drug Administration and Control (NAFDAC), the National Police, and the Nigerian Immigration Service at various ports of entry. The NDLEA's most successful interdictions have taken place at Nigeria's international airports, with the majority of hard drug seizures (e.g. cocaine and heroin) at the Lagos International Airport. Increasing numbers of drug couriers are being apprehended at the Abuja International Airport. The agency has successfully apprehended individual drug couriers transiting these airports but only a few of the drug traffickers sponsoring these couriers. Efforts similar to the vigorous

inspections conducted at the Lagos and Abuja international airports are needed at Nigeria's five major seaports as smugglers change their tactics to avoid detection.

III. Country Actions Against Drugs in 2003

Policy Initiatives - Nigeria's counter-narcotics policy is based on the National Drug Control Master Plan (NDCMP), which has been in place since 1998. This plan assigns responsibilities to various government Ministries and agencies as well as NGOs and other interest groups. In addition, the Master Plan outlines basic resource requirements and timeframes for the completion of objectives. Many of these goals are still unfulfilled. NDLEA created State Commands to ensure a comprehensive nationwide presence of the Agency. Thus, the Agency now has 37 State Commands in addition to the National Headquarters and nine Special Area Commands. Additionally, the computerization of the Agency's administrative and accounting statistics ensures greater efficiency and transparency. The NDLEA also sponsored several events to increase awareness of drug abuse among school age children and hosted, with private sponsors, a money laundering workshop to explain to banks and other financial institutions their role in stemming money-laundering activity in the country.

Both chambers in the National Assembly have Narcotics Affairs Committees, which monitor the performance of the NDLEA and implementation of Nigeria's counter-narcotics strategy. NDLEA has a Congressional Liaison Officer who tracks activity in the National Assembly that affects the Agency and its mission. Like all other entities of government in Nigeria, neither committee in the National Assembly has funding for any activity. The continuity provided by the current NDLEA Chairman, Alhaji Bello Lafiaji, has exacted a greater measure of commitment and loyalty from the NDLEA field personnel and staff and has resulted in increased efforts and training opportunities at all levels of the Agency.

Nigeria has contributed \$2,000,000 towards a five-year \$6,000,000 UNODC project to convert the NDLEA Academy in Jos to a Regional Law Enforcement Training Center. The first phase of the project is underway.

Accomplishments - The NDLEA continues its successful interdiction of couriers destined for the U.K. and U.S. through Murtala Mohammed International Airport in Lagos as well as Nnamdi Azikiwe International Airport in Abuja. Seizures of hard drugs in 2003 were modest, with cocaine and heroin totaling 130kg and 70kg respectively; no one seizure exceeded 15 kilograms. NDLEA also seized more than 937kg of psychotropic substances and more than 530,000kg of cannabis. (note: Nigeria considers cannabis, commonly referred to as "Indian Hemp", as a hard drug and reflects that in their reports.) Prosecutions of drug couriers -- those carrying small amounts of hard drugs in baggage or internally ingested -- remained strong, while prosecution of major drug traffickers still has not materialized. Similar successes have been recorded by the NDLEA State Commands with one State arresting 58 persons and seizing 1,700 kg of cannabis, 10kg of cocaine and 9kg of heroin between September and November 2003. NDLEA achieved limited success in combating the various elements of the drug trade during 2003. Typically, street pushers and trafficker "mules" were apprehended; the effort against large-scale traffickers, however, was less effective. NDLEA continues to incur resistance to their presence at the major seaports by Nigerian Customs Service who see their presence as competitors as opposed to collaborators.

Drug-related prosecutions have continued at a steady pace. Using special drug courts, a more energetic approach by the NDLEA to prosecute drug traffickers efficiently and successfully resulted in over 2,300 arrests and 841 prosecutions so far in 2003. In the course of enforcing Nigerian drug smuggling laws, in collaboration with the U.S. Federal Bureau of Investigations (FBI), NDLEA helped intercept over \$3,000,000 worth of fraudulent checks and with the added cooperation of Federal Express, over \$200,000 in merchandise that had been purchased with stolen credit cards was returned to the respective vendors.

The NDLEA has assumed a leadership role in drug enforcement in the region. With DEA assistance, the NDLEA created the West African Joint Operation (WAJO) initiative, bringing together drug enforcement personnel from 15 countries in the region to improve regional cooperation. A DEA-assisted WAJO planning conference will be held in the Gambia in early 2004. The NDLEA continues expanded counter-narcotics cooperation with the police in South Africa, where Nigerian criminal organizations are believed to be responsible for the bulk of drug trafficking. Additionally, NDLEA recently concluded the first segment of an international operation with the South American sub-regional office of INTERPOL and the Argentinean Police. Also, NDLEA attended the 2003 International Drug Enforcement Conference (IDEC) in Panama. Having become the first African permanent member of this forum in 2002, Nigeria was elected Secretary of the Forum at the conclusion of that meeting.

The Government of Nigeria continues to work on a mechanism to process U.S. extradition requests expeditiously while

observing due process under Nigerian law. Currently, a dedicated prosecutorial team handles all U.S. extradition cases before a specifically designated High Court judge. Nigerian law still affords the defendant many latitudes thus keeping the process in limbo for extended periods. The last extradition was in late 2002. There is one extradition case pending before the court and another individual in custody awaiting extradition hearings.

Law Enforcement Efforts - Nigerian counter-narcotics efforts primarily focus on interdiction at Nigeria's air and seaports which normally nets couriers originating or transiting to Europe or the U.S., as well as a public campaign focused on destroying marijuana crop throughout the country. Major narcotics smugglers and their networks continue to elude arrest and prosecution, despite a NDLEA commitment to launch an intensified effort to investigate major international drug traffickers operating in Nigeria. Attempts by the NDLEA to arrest and prosecute major traffickers and their associates often fail in Nigeria's courts, which are subject to intimidation and corruption. Asset seizures from narcotics traffickers and money launderers, while permitted under Nigerian law, have never been systematically utilized as an enforcement tool, but some convicted traffickers have had their assets forfeited over the years. The number of traffickers so far penalized, however, remains small.

Corruption - Corruption has for many years, permeated Nigerian society and continues to be a systemic problem in Nigeria's government. Unemployment is very high and civil servants' salaries are low. In addition, salaries are frequently months in arrears, compounding the corruption problem. The Independent Corrupt Practices and Other Related Offenses Commission (ICPC) has weathered several storms, including an attempt by the last session of the National Assembly to repeal the Anti-Corruption Act 2001 and replace it with a watered-down version that virtually exempted lawmakers from prosecution. Recent high profile investigations and arrests have resulted in cabinet level officials being charged, dismissed from their post and incarcerated while awaiting hearings on corruption charges. None of these actions were for drug-related offenses. USG technical assistance, funded through INL and implemented by the U.S. Department of Justice, has entered a second phase providing the ICPC with additional training and technical assistance, including a Resident Legal Advisor (RLA) for its staff in early 2004. Neither Nigerian policy nor any senior government officials are known to encourage or facilitate the illicit production or distribution of illegal substances or the laundering of proceeds from illegal drug transactions. Equipment provided by the USG to Nigerian law enforcement authorities is monitored by mission personnel and is being used as intended in support of law enforcement programs.

Agreements and Treaties - Nigeria is a party to the 1988 UN Drug Convention, the 1961 UN Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances. Nigeria has signed the UN Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, the Protocol Against the Smuggling of Migrants, and the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms. The 1931 U.S. - UK Extradition Treaty, which was made applicable to Nigeria in 1935, is the legal basis for pending U.S. extradition requests. In 1989, the United States and Nigeria entered into a mutual cooperation agreement for reducing demand, preventing illicit use, and combating illicit production and trafficking in drugs. The United States and Nigeria also signed in 1989 a Mutual Legal Assistance Treaty (MLAT), which was ratified in 2001 and entered into force on January 14, 2003. Nigeria is a party to the World Customs Organization's Nairobi Convention, Annex on Assistance in Narcotics Cases.

Cultivation/Production - Cannabis is the only illicit drug produced in any large quantities in Nigeria. The drug is cultivated in all 36 states. Major cultivation takes place in central and northern Nigeria and in Delta and Ondo states in the south. Marijuana, or "Indian Hemp" as it is known locally, is sold in Nigeria and exported throughout West Africa and into Europe. To date, there is no evidence of significant marijuana imports from Nigeria into the United States. The NDLEA pursued an aggressive eradication campaign. For 2003, the NDLEA claimed to have discovered and destroyed more than 159,202 hectares of cannabis.

Drug Flow/Transit - Nigeria is a major staging point for Southeast and Southwest Asian heroin smuggled to Europe and the United States and for South American cocaine trafficked to Europe. While Nigeria remains Africa's drug transit hub, there are indications that the preferred methods of trans-shipment have changed. The NDLEA unit at Lagos' Murtala Mohammed International Airport conducts 100 percent searches of passengers and carry-on baggage. This is extremely significant given the addition of World Airways direct flights to the U.S. from Lagos that started in May 2003. The enhanced security posture at this airport has prompted some drug traffickers to use Nigerian seaports, concealing

large quantities of contraband in shipping containers and other West African airports and seaports with less stringent security controls.

Domestic Programs (Demand Reduction) - Local production and use of marijuana have been a problem in Nigeria for some time; however, according to the NDLEA and NGOs, the abuse of harder drugs (e.g., cocaine, heroin) is now on the rise. Heroin and cocaine are readily available in many of Nigeria's larger cities. (Note: Since there is no formal tracking system or statistical evidence available, it is difficult to support claims that drug abuse is on the rise.) The NDLEA continues to expand its counter-narcotics clubs at Nigerian universities and distribute counter-narcotics literature. The NDLEA also has instituted a teacher's manual for primary and secondary schools, which offers guidance on teaching students about drug abuse. NDLEA sponsored a nationwide contest between primary and secondary schools with public presentations held at the "UN Day Against Drugs" ceremony in 2003.

IV. U.S. Policy Initiatives and Programs

Policy Initiatives - U.S.-Nigerian counter-narcotics cooperation focuses on interdiction efforts at major international entry points and on enhancing the professionalism of the NDLEA and other law enforcement agencies. U.S. training programs, technical assistance and equipment donations have continued, with the NDLEA as the primary target. An effort to help NDLEA establish itself as a regional training platform by opening its Academy in Jos to the West Africa sub-region is underway. The DEA country office in Nigeria works with the NDLEA Joint Task Force and other operations personnel to train, coordinate, plan and implement internal and regional interdiction operations. At all levels, USG representatives enjoy excellent access to their counterparts and there is an evident desire on both sides to strengthen these relationships. The current NDLEA chairman is committed to meeting agency goals and improving the morale of NDLEA officers. The United States and Nigeria signed a Letter of Agreement covering many aspects of law enforcement assistance, including a new U.S.-funded police reform program in 2002. The Agreement has been amended three times to increase assistance for Nigerian law enforcement to support the Police Service Commission, NPF, ICPC and Trafficking In Persons projects. Additional equipment will be provided for the NDLEA Joint Task Force and all law enforcement agencies will be included in future training endeavors in an effort to promote better cooperation and collaboration in areas of mutual interest. Although somewhat improved, police morale still suffers due to failure of the GON to meet basic needs. For example, salaries, in addition to being low, are frequently months in arrears.

Bilateral Accomplishments - A high level U.S.-Nigeria law enforcement dialogue, initiated by Nigeria in 2001, was held in December 2002 and ended with pledges by both Governments to accomplish certain objectives before the next meeting. Due to Nigerian national elections in April and delays in filling key positions, the GON has agreed to delay the scheduled 2003 meeting until March/April 2004. The meeting is planned for Washington, to be hosted by the Assistant Secretary for International Narcotics and Law Enforcement

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Affairs. The new Attorney General of the Federation, Chief Akinlolu Olujinmi, will lead the Nigerian delegation. The majority of the goals and objectives resulting from the December 2002 meeting have been met or exceeded. As with the last two meetings, the next meeting will cover the full range of U.S. and Nigerian law enforcement interests: drug control; financial fraud; trafficking in persons; corruption; immigration crimes; police reform; extradition; and money laundering.

Meanwhile, the DEA office in Nigeria continues to work with the NDLEA on expanding their relationship. Increased Department of State assistance to the NDLEA allowed for a stronger interdiction posture at the Lagos international airport, Nigeria's largest drug transit point, forcing many traffickers to route drug shipments through neighboring countries. The USG through DEA is funding a basic drug law enforcement course taught at the NDLEA Academy in Jos and will have participants from the West Africa sub-region. The Road Ahead - After years of non-cooperation, the U.S. and Nigeria enjoy an excellent relationship and improved cooperation on the law enforcement front. Federal funding for Nigerian law enforcement agencies and key anti-crime agencies remains insufficient and erratic in disbursement. This affects the planning, and consistency of actions on the part of these agencies, giving the impression of lack of commitment and ineffectiveness. Unless the Nigerian Government remedies this situation, very little progress will be made and none sustained. It will require strong and sustained political will and continued international assistance for any Nigerian government to confront these difficult issues and bring about meaningful change. The U.S. government has expanded aid to Nigeria's counter-narcotics efforts; anti-drug assistance provided since February 2001 now totals over \$1.5 million. Although

Nigeria does not produce reliable crime statistics, opinions vary on whether public security deteriorated throughout the country in 2003. Operation "Fire for Fire" seem to have had the desired deterrent affect in the major cities but the police remain grossly mistrusted by the Nigerian populous and organized crime groups continue to exploit that mistrust by preying on citizens throughout the country. Nigerian police are poorly trained. A new recruit curriculum and mid-level curricula designed by ICITAP is being presented in Kaduna and Kano police colleges. Programs on community policing, civil disorder management and criminal investigation will be emphasized during the remainder of the multi-year police modernization program. NDLEA has mandated that all their officers and operatives undergo re-training at the basic level and mid-level before qualifying for promotion under the new promotion scheme. Implementation of a 2001 Presidential order to recruit 40,000 new police constables each year exacerbates the problem of absorbing poorly trained police into the force. The Government of Nigeria needs to prioritize its commitment of resources to ensure the success of an ambitious recruiting program. The U.S. government will continue to engage Nigeria on the issues of counter-narcotics, money laundering and other international crimes. There have been measurable successes and renewed commitment to improving upon legislation that enhances the capabilities of Nigeria's law enforcement community in the past year. While all branches of government say the "right thing", they are rarely ever able to deliver the goods required to affect long-term solutions. The underlying institutional and societal factors that contribute to narcotics-trafficking, money-laundering and other criminal activities in Nigeria are deep-seated and require a comprehensive and collaborative effort at all levels of law enforcement and government. Progress can only be made through sustained effort, political will, and continued support of the affected international community.

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